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Toyota Reaches Settlement in Bellwether Sudden-Acceleration Lawsuit

Published: 01/18/2013 - by [Anita Lienert](#), Correspondent

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Toyota Logo Picture

Toyota has settled the first so-called bellwether case of pending wrongful death and injury lawsuits involving sudden, unintended acceleration. | January 18, 2013 | Toyota Motor Sales, U.S.A., Inc.

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Just the Facts:

- Toyota has settled the first so-called bellwether case of pending wrongful death and injury lawsuits involving sudden, unintended acceleration, it told *Edmunds* on Friday.
- "We are satisfied that both parties reached a mutually acceptable agreement to settle this case," wrote Celeste Migliore, a Toyota spokeswoman, in response to an e-mailed query.
- Toyota reached the settlement in the case brought by the family of Paul Van Alfen and Charlene Jones Lloyd, who were killed when the Toyota Camry Van Alfen was driving crashed near Wendover, Utah in 2010.

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"We are satisfied that both parties reached a mutually acceptable agreement to settle this case," wrote Celeste Migliore, a Toyota spokeswoman, in response to an e-mailed query. "While Toyota may decide from time to time to settle select cases, we will have a number of other opportunities to defend our product at trial in multidistrict litigation and other legal venues."

She added: "We sympathize with anyone in an accident involving one of our vehicles; however, we continue to stand fully behind the safety and integrity of Toyota's Electronic Throttle Control System, which multiple independent evaluations have confirmed as safe."

The financial terms of the settlement were not disclosed.

Toyota reached the settlement in the case brought by the family of Paul Van Alfen and Charlene Jones Lloyd, who were killed when the Toyota Camry Van Alfen was driving crashed near Wendover, Utah in 2010. The Van Alfen case had been set to go to trial in February.

The case is described as a "bellwether" because it raises issues similar to other pending wrongful death and personal injury lawsuits against Toyota.

The National Law Journal said Toyota may have wanted to settle the Van Alfen case because of sanctions.

"That distinction may be one reason why Toyota wants to settle the case," the publication said on Thursday.

"U.S. District Judge James Selna in Santa Ana, Calif., concluded in June that Toyota had committed discovery abuses by inspecting the crash vehicle in Van Alfen v. Toyota without notifying the plaintiffs or their attorneys," *The National Law Journal* said. "He said at the time that, as punishment, he would allow the jury to infer that evidence Toyota gathered from the inspection would be detrimental to its defense."


But Selna signed a stipulation order vacating those sanctions on January 17. However, legal experts have said it is unlikely that Selna's order would prevent parties in other personal injury cases against Toyota from referring to the June sanctions order.

Last month, Toyota agreed to pay a \$1.3 billion settlement to plaintiffs claiming economic losses because of sudden, unintended acceleration.


Edmunds says: The settlement applies only to the single bellwether case, as this legal journey continues.

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- 

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I had a 2004 Toyota Camry Solara (2 AZ) that is on the list of subject vehicles this auto experienced SUA on August 17, 2009 and was totaled by my insurance co. The settlement is effective for 2004 Toyota Camry Solara's (2AZ) incurring losses beginning in September of 2009? Unaware of thousands of other

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